

**AMENDMENTS TO THE CLAIMS**

The attached sheet of drawings includes changes to FIGS. 9A – 9D. This sheet, which includes FIG. 9, replaces the original sheet including FIGS. 9A – 9D. In FIG. 9C reference characters 11 – 14 have been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

## REMARKS

### I. Summary of the Examiner's Action

#### A. Drawing Objections

As set forth on page 2 of the July 22 Office Action, the Examiner objected to the drawings because "the ring being in the form of an annular cable" of claim 18 was not shown in the figures and reference character 21 did not appear in the specification.

#### B. Specification Objections

As set forth on page 3 of the July 22 Office Action, the Examiner objected to the specification because certain terms in the claims did not appear in the specification.

#### C. Claim Rejections

As set forth on page 2 of the July 22 Office Action, claims 18 and 22 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As set forth on page 3 of the July 22 Office Action, claims 17 – 19, 22 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,121,884 to Noakes (hereinafter "Noakes" or "the Noakes patent").

II. Applicants' Response

A. Drawing Objections

Applicants addressed the drawing objections by amending the specification. In particular, the specification was amended to indicate that the nozzle-ring configuration 50 can comprise an annular cable in concentric relation with the spraying nozzles 30, and that reference character 21 referred to a first end of the replaceable cartridge 20.

B. Specification Objections

Applicants added subject matter from the claims to the specification as requested by the Examiner. Amendments to FIG. 9C were made to facilitate these amendments. No new matter was added by these changes since all of the features now claimed appeared in the figures as filed.

C. Rejection under 35 U.S.C. 112, second paragraph

Applicants have obviated the rejection by cancelling the relevant subject matter from claim 18, thereby obviating the basis of the rejection. No separate basis of rejection of claim 22 was made by the Examiner, so if the Examiner has remaining issues with this claim, Applicants respectfully request that he set them forth with particularity as required by the MPEP.

D. Rejection under 35 U.S.C. §102(b)

Applicants reproduce claim 17 here (as amended) as a convenience to the Examiner (emphasis added):

17. A portable handheld electrostatic spraying device comprising:

a housing having a first end and a second end, the first end comprising a handle for a user to grasp during spraying operations;

a high voltage generator having a high voltage output;

at least one dispensing nozzle configured to release electrostatically sprayable material during spraying operations, the at least one spraying nozzle positioned near the second end of the housing;

at least one reservoir configured to store materials to be sprayed;

a tube connecting the at least one dispensing nozzle and the at least one reservoir, the tube configured to convey the materials to be sprayed from the at least one reservoir to the at least one dispensing nozzle;

means coupling the high voltage output of the high voltage generator to the materials so that the voltage is conducted through the materials to the materials present at the at least one dispensing nozzle;

at least one ring surrounding the at least one dispensing nozzle, the at least one ring coupled to the high voltage generator so that the at least one ring develops a high voltage of the same polarity as that applied to the materials being sprayed and generates an electric field in the vicinity of the at least one dispensing nozzle during spraying operations;

wherein the development of a high voltage by the at least one ring of the same polarity as that applied to the materials being sprayed and the generation of an electric field in the vicinity of the at least one dispensing nozzle by the at least one ring during spraying operations causes the electrostatic spraying device to impart an

electrostatic charge to the materials issuing from the at least one nozzle, to focus the material being sprayed, and to generate an iontophoresis effect to enhance material transport through skin when a forward extremity of the ring is brought within a distance of 2 cm of the skin of an earthed subject to be sprayed.

In Applicants' invention, the at least one ring is coupled to the high voltage generator so through that coupling it "develops a high voltage of the same polarity as that applied to the materials being sprayed and generates an electric field in the vicinity of the at least one dispensing nozzle during spraying operations". In contrast, end cap 8 of Noakes is not coupled to the Noakes source of high voltage. Instead, Noakes depends on the accumulation of charged particles on end cap 8 to assist spraying operations as described at column 5, lines 42 – 55 reproduced here:

"The end cap 8 has an annular shroud 60 also formed of insulating material. In initial operation of the spray gun small amounts of charge accumulate on the outer edge 62 of the shroud. As the shroud is insulating, e.g. being made of non conducting material, e.g. Tufnol, ABS, polypropylene, polyethylene, polyvinyl chloride, acrylic polycarbonate, acetal, and supported on the insulating body 2 leakage is sufficiently slow as to leave the shroud charged. The charge on the edge is of the same polarity as the spray which it thus repels. This reduces the tendency of the spray to lift or spread out. The shroud 60 can thus be used to control the shape of the spray and to this end may be adjustable or there may be several different interchangeable shrouds."

Since in Noakes there is no description or depiction of the annular shroud 60 being coupled to the high voltage source, Applicants interpret this to mean that during initial spraying operations charged particles initially dispensed during spraying operations accumulate on the outer edge 62 of the shroud. In contrast, Applicants accomplish this

by coupling the ring directly to the source of high voltage. Since anticipation is a strict standard and each and every limitation of a claim must be found in the relied upon reference for an anticipation rejection to be supported, Applicants respectfully request that the rejection be withdrawn.

Applicants have similarly amended claim 23, which is now allowable for the same reasons as claim 17. As the remaining claims now depend from allowable base claims, Applicants respectfully request that the remaining rejections be withdrawn.

III. Conclusion

In view of the foregoing, Applicants respectfully request the prompt allowance of this application.

Respectfully submitted,

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Date

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on the date indicated.

January 24, 2011

Date

David M. O'Neill

Name of Person Making Deposit

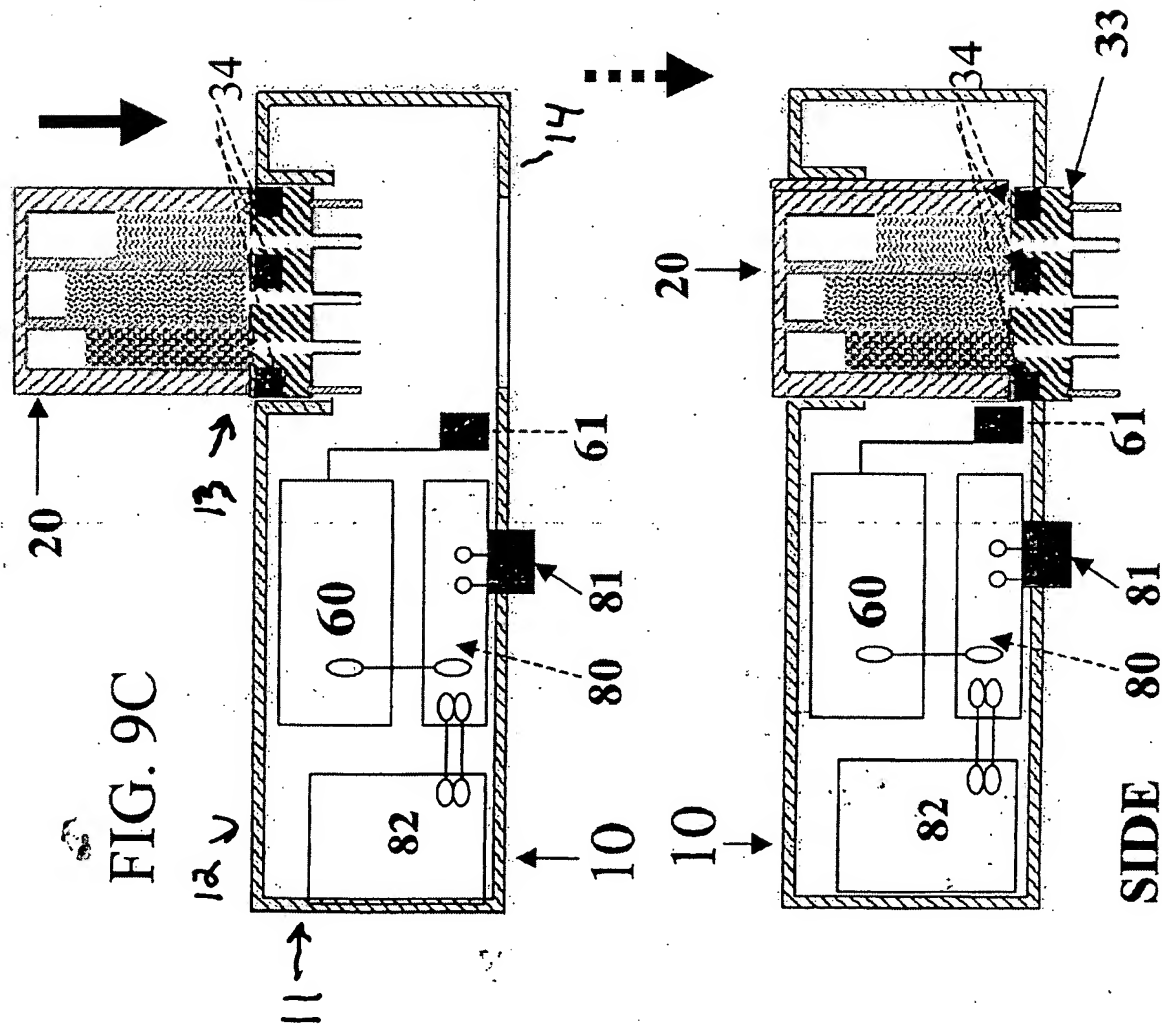
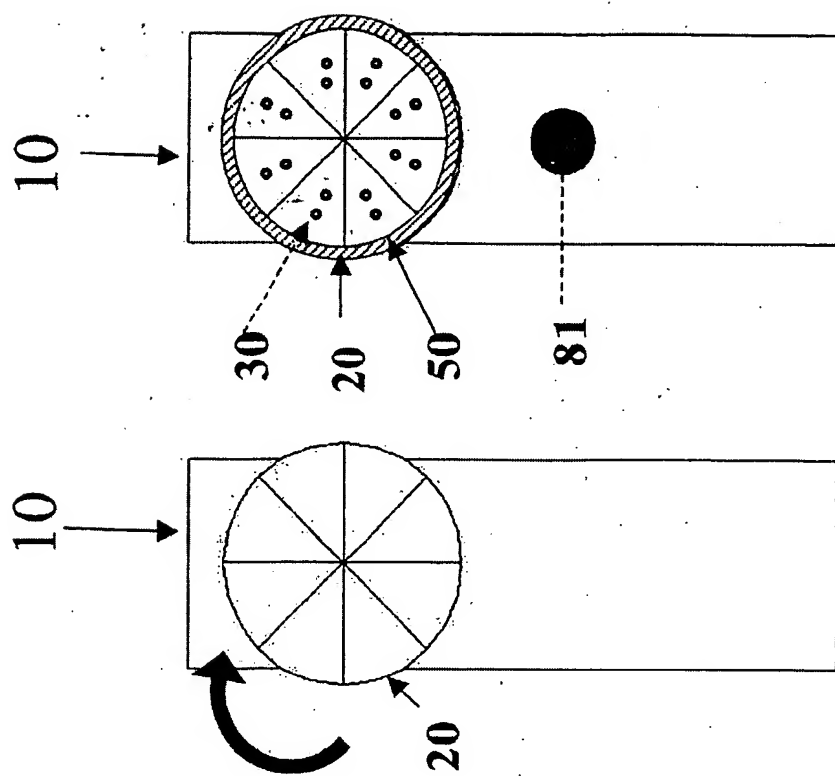


FIG. 9D



**REAR**

# FRONT

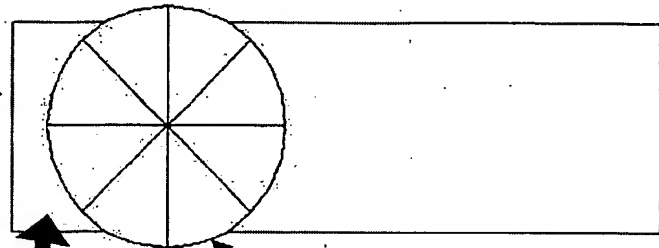


FIG. 9B

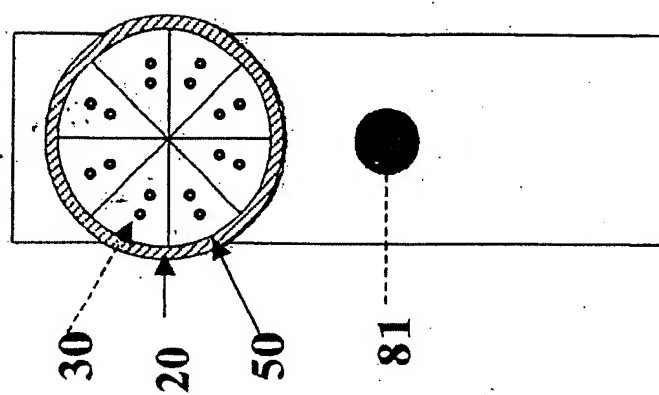


FIG. 9A